

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DONALD TURNBULL,

Plaintiff,

-against-

JPMORGAN CHASE & CO.,

Defendant.

Civil Action No. 1:21-cv-03217-JGK

JOINT STIPULATION AND ORDER

1. On December 20, 2021, this Court issued an Order directing the parties to “address the question whether this action should be dismissed for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1).” ECF 35 (citing *Daly v. Citigroup Inc.*, 939 F.3d 415, 425-428 (2d Cir. 2019) (finding that a plaintiff asserting whistleblower claims under the Sarbanes-Oxley Act (“SOX”) must first exhaust administrative remedies and that administrative exhaustion requirements are a jurisdictional prerequisite to a SOX suit in federal court)).

2. The parties have conferred regarding whether Plaintiff exhausted his administrative remedies.

THEREFORE, it is hereby stipulated, by and between Plaintiff and Defendant, through their undersigned attorneys, as follows:

1. Plaintiff filed a Complaint with the Occupational Safety and Health Administration (“OSHA”) on April 28, 2020 (“OSHA Complaint”);

2. Any alleged adverse actions pled in Plaintiff’s OSHA Complaint that occurred or Plaintiff became aware of on or after October 31, 2019 (180 days prior to April 28, 2020) are timely and adequately exhausted;

3. The operative complaint in this action (ECF 21 (“First Amended Complaint”)) satisfies the administrative exhaustion requirement under SOX as to the alleged adverse actions that occurred or Plaintiff became aware of on or after October 31, 2019; and

4. The parties continue to reserve and assert all their rights and arguments regarding the First Amended Complaint, including as set forth in the parties’ briefing on the pending motion to dismiss.

January 10, 2022

/s/ Richard D. Emery

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Respectfully submitted,

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Attorneys for Defendant

IT IS SO ORDERED.

Dated: _____

JUDGE JOHN G. KOELTL
UNITED STATES DISTRICT JUDGE